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ART UNIT	PAPER NUMBER
2175	5

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/002,557	RAMACHANDRAN ET AL.
	Examiner	Art Unit
	Mellissa M Chojnacki	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-26 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The arrangement of the disclosed application does not conform with 37 CFR 1.77(b).

Section headings are **boldface** throughout the disclosed specification.

Section headings should not be underlined, and/or **boldfaced**. Appropriate corrections are required according to the guidelines provided below:

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(e) BACKGROUND OF THE INVENTION.
(1) Field of the Invention.
(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(h) DETAILED DESCRIPTION OF THE INVENTION.
(i) CLAIM OR CLAIMS (commencing on a separate sheet).
(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barritz et al., (U.S. Patent No. 6,029,145) in view of Ginter et al. (U.S. Patent No. 6,658,568).

As to claim 1, Barritz et al., teaches a process carried out in a usage-measuring server for converting metric data generated from usage data into CSU data (See column 2, lines 4-18, lines 28-36; column 3, lines 4-9, where "CSU" is read on "central processing facility"), comprising:

launching a CSU distillation program which is programmed to control the usage measuring server to use formulas to convert metrics and licensing terms into CSU units (See column 2, lines 19-27);

reading appropriate licensing terms of a provisioning item data entry in a data structure stored by the usage-measuring server (See column 3, lines 4-9, column 9, lines 52-58); the provisioning item storing the CSU distillation program or containing a pointer to the CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27).

Barritz et al., does not teach reading appropriate metric data and substituting the metric data into variables of the formulas; and substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program; calculating the formulas to derive the CSU units.

Ginter et al. teaches a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management (See abstract), in which he teaches reading appropriate metric data and substituting the metric data into variables of the formulas (See column 71, lines 17-25); and

substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program (See column 71, lines 17-25);

calculating the formulas to derive the CSU units (See column 71, lines 17-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Barritz et al., to include reading appropriate metric data and substituting the metric data into variables of the formulas; and substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program; calculating the formulas to derive the CSU units.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Barritz et al., by the teachings of Ginter et al. because reading appropriate metric data and substituting the metric data into variables of the formulas; and substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program; calculating the formulas to derive the CSU units would ensure comprehensive overall systems and wide arrays of methods, techniques, structures and arrangements that enable secure, efficient distributed electronic commerce and rights management on the internet (and intranets), within companies large and small, in the living room, and in the home office (See Ginter et al., column 4, lines 7-17).

As to claim 2, Barritz et al., as modified, teaches wherein the step of launching happens automatically based upon a schedule (See Barritz et al., column 7, lines 1-7, where "schedule" is read on "job schedulers"; column 12, lines 20-26; column 13, lines 19-24).

As to claim 3, Barritz et al., as modified, teaches wherein the schedule is configurable (See Barritz et al., column 7, lines 1-10, where "schedule" is read on "job schedulers"; column 13, lines 19-24).

As to claims 4 and 11, Barritz et al., as modified, teaches wherein the step of launching is initiated manually (See Barritz et al., column 3, lines 24-29).

As to claims 5, 12 and 20, Barritz et al., as modified, teaches wherein the step of launching comprises the steps of detecting when new metric data has been stored (See column 3, lines 41-51), and automatically launching the appropriate one of one or more CSU distillation programs (See Barritz et al., column 3, lines 41-56; column 7, lines 1-7, where "schedule" is read on "job schedulers"; column 12, lines 20-26; column 13, lines 19-24).

As to claim 6, Barritz et al., as modified, teaches allowing a user to access the data structure either from a remote client computer coupled to the usage measuring server over the internet or another wide area network or dial up connection (See Barritz et al., column 1, lines 17-19; column 2, lines 15-19, lines 44-53) and create the CSU distillation program in a data structure of the usage-measuring server by linking a spreadsheet program to the provisioning item or including the spreadsheet program as part: of the provisioning item, and programming the spreadsheet with suitable formulas to convert variables representing metrics and licensing terms into suitable CSU units (See Barritz et al., column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27; also see Ginter et al., column 71, lines 17-25).

As to claim 7, Barritz et al., teaches a process carried out in a usage-measuring server for converting metric data generated from usage data into CSU data (See

column 2, lines 4-18, lines 28-36; column 3, lines 4-9, where "CSU" is read on "central processing facility"), comprising steps for:

using an appropriate distillation program linked to a data entry in a data structure maintained by the usage-measured server and representing a licensed resource to read usage data stored in a usage data buffer and representing usage of the resource by a particular entity and convert the usage data to metric data and storing the metric data in a metric data buffer (See column 3, lines 34-67; column 4, lines 1-8);

following a pointer stored in the usage data buffer to a CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27);

launching the CSU distillation program, the CSU distillation program structured to control the usage-measuring server to use formulas to convert metrics and licensing terms into CSU units (See 24column 2, lines 19-27; column 7, lines 1-7; column 12, lines 20-26; column 13, lines 19-27);

reading appropriate licensing terms of a provisioning item (See column 3, lines 4-9, column 9, lines 52-58) of which the CSU distillation program is a part or to which the CSU distillation program is linked (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27).

Barritz et al., does not teach reading appropriate metric data and substituting the metric data into variables of the formulas; substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program; and calculating the formulas to derive the CSU units and storing same in a buffer.

Ginter et al. teaches a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management (See abstract), in which he teaches reading appropriate metric data and substituting the metric data into variables of the formulas (See column 71, lines 17-25); and

substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program (See column 71, lines 17-25); and

calculating the formulas to derive the CSU units and storing same in a buffer (See column 71, lines 17-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Barritz et al., to include reading appropriate metric data and substituting the metric data into variables of the formulas; substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program; and calculating the formulas to derive the CSU units and storing same in a buffer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Barritz et al., by the teachings of Ginter et al. because reading appropriate metric data and substituting the metric data into variables of the formulas; substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program; and calculating the formulas to derive the CSU units and storing same in a buffer would ensure comprehensive overall systems and wide arrays of methods, techniques, structures and arrangements that enable secure, efficient distributed electronic commerce and rights management on the

internet (and intranets), within companies large and small, in the living room, and in the home office (See Ginter et al., column 4, lines 7-17).

As to claims 8 and 16, Barritz et al., as modified, teaches performing a data integrity check after the metric data and the licensing terms have been substituted into the variables of the appropriate formulas to ensure that all necessary data to complete the calculation has been read and substituted into the formulas (See Barritz et al., column 13, lines 53-62; column 14, lines 10-23).

As to claims 9 and 17, Barritz et al., as modified, teaches wherein the step of launching happens automatically based upon a configurable schedule (See Barritz et al., column 7, lines 1-7, where "schedule" is read on "job schedulers"; column 12, lines 20-26; column 13, lines 19-24).

As to claims 10 and 18, Barritz et al., as modified, teaches allowing a user of a resource and whose usage data is stored in a usage data buffer to access the CSU distillation program pointed to by the pointer in the usage data buffer and to alter the formulas therein (See Barritz et al., column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27).

As to claims 13 and 21, Barritz et al., as modified, teaches creating the CSU distillation program in a data structure of the usage-measuring server by linking a

spreadsheet program to the usage data buffer by storing a pointer therein to the spreadsheet program, and programming the spreadsheet with suitable formulas to convert variables representing metrics and licensing terms into suitable CSU units (Barritz et al., column 3, lines 34-67, where "spreadsheet program" is read on "surveying program"; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27).

As to claims 14 and 22, Barritz et al., as modified, teaches receiving communications from a licensor who provides resources to be licensed (See Barritz et al., column 2, lines 64-67; column 3, lines 24-29, where "licensor" is read on "vendor") which licensor and resources and licensing terms are represented by data entries in the data structure and providing access to the distillation program(s) and CSU distillation program(s) pertaining to resources the licensor makes available for licensing and allowing the licensor to alter the formulas in the distillation and CSU distillation program(s) (See Barritz et al., column 1, lines 39-51), and blocking access to the distillation program(s) and CSU distillation program(s) by any licensee whose usage data is stored in the data structure and which is direct or indirect input data to one or more of the programs (See Barritz et al., column 14, lines 10-35).

As to claim 15, Barritz et al., teaches a process carried out in a usage-measuring server for converting metric data generated from usage data into CSU data (See

column 2, lines 4-18, lines 28-36; column 3, lines 4-9, where "CSU" is read on "central processing facility"), comprising:

using a distillation program linked to a data entry in a data structure maintained by the usage-measured server and representing a licensed resource to read usage data stored in a usage data buffer and representing usage of the resource by a particular entity and convert the usage data to metric data and storing the metric data in a metric data buffer (See column 3, lines 34-67; column 4, lines 1-8);

when new metric data is stored in a usage data buffer, following pointers in the data structure from the usage data buffer to a provisioning item data entry that contains licensing terms for the usage and following a pointer from the provisioning item to a CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27);

launching the CSU distillation program, the CSU distillation program structured to control the usage-measuring server to use formulas to convert metrics and licensing terms into CSU units (See 24column 2, lines 19-27; column 7, lines 1-7; column 12, lines 20-26; column 13, lines 19-27);

reading appropriate licensing terms of the provisioning item located in step 2 of which the CSU distillation program is a part or to which the CSU distillation program is linked, and substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program (See column 3, lines 4-9, column 9, lines 52-58) of which the CSU distillation program is a part or to which the CSU

distillation program is linked (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27).

Barritz et al., does not teach reading appropriate metric data from the metric data buffer used in step 1 and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer.

Ginter et al. teaches a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management (See abstract), in which he teaches reading appropriate metric data from the metric data buffer used in step 1 and substituting the metric data into variables of the formulas (See column 71, lines 17-25); and

calculating the formulas to derive the CSU units and storing same in a buffer (See column 71, lines 17-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Barritz et al., to include reading appropriate metric data from the metric data buffer used in step 1 and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Barritz et al., by the teachings of Ginter et al. because reading appropriate metric data from the metric data buffer used in step 1 and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer would ensure comprehensive

overall systems and wide arrays of methods, techniques, structures and arrangements that enable secure, efficient distributed electronic commerce and rights management on the internet (and intranets), within companies large and small, in the living room, and in the home office (See Ginter et al., column 4, lines 7-17).

As to claim 19, Barritz et al., as modified, teaches wherein the step of launching is manual after a notice message is sent that new metric data has been stored (See Barritz et al., column 3, lines 24-29).

As to claim 23, Barritz et al., teaches a process carried out in a usage-measuring server for converting metric data generated from usage data into CSU data (See column 2, lines 4-18, lines 28-36; column 3, lines 4-9, where "CSU" is read on "central processing facility"), comprising:

receiving data from a licensor via a remote log-on session over a WAN or the internet that defines one or distillation programs and one or more CSU distillation programs and recording the programs in the data structure, and recording a pointer to the appropriate distillation program in a data entry in the data structure representing a resource to be licensed on a usage-basis and recording a pointer to the appropriate CSU distillation program in a usage data buffer in the data structure which records usage data of a licensee of a licensed resource (See abstract; column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27);

using a distillation program linked to a data entry in a data structure maintained by the usage-measured server and representing a licensed resource to read usage data stored in a usage data buffer and representing usage of the resource by a particular entity and convert the usage data to metric data and storing the metric data in a metric data buffer (See column 3, lines 34-67; column 4, lines 1-8);

when new metric data is stored in a usage data buffer, following pointers in the data structure from the usage data buffer to a provisioning item data entry that contains licensing terms for the usage and following a pointer in the usage data buffer to a CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27);

launching the CSU distillation program, the CSU distillation program structured to control the usage-measuring server to use formulas to convert metrics and licensing terms into CSU units (See 24column 2, lines 19-27; column 7, lines 1-7; column 12, lines 20-26; column 13, lines 19-27);

reading appropriate licensing terms of the provisioning item located in step 3, and substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program (See column 3, lines 4-9, column 9, lines 52-58) of which the CSU distillation program is a part or to which the CSU distillation program is linked (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27).

Barritz et al., does not teach reading appropriate metric data from the metric data buffer used in step 2 to store the new metric data and substituting the metric data into

variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer.

Ginter et al. teaches a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management (See abstract), in which he teaches reading appropriate metric data from the metric data buffer used in step 2 to store the new metric data and substituting the metric data into variables of the formulas (See column 71, lines 17-25); and

calculating the formulas to derive the CSU units and storing same in a buffer (See column 71, lines 17-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Barritz et al., to include reading appropriate metric data from the metric data buffer used in step 2 to store the new metric data and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Barritz et al., by the teachings of Ginter et al. because reading appropriate metric data from the metric data buffer used in step 2 to store the new metric data and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer would ensure comprehensive overall systems and wide arrays of methods, techniques, structures and arrangements that enable secure, efficient distributed electronic commerce and rights management on the internet (and intranets), within companies

large and small, in the living room, and in the home office (See Ginter et al., column 4, lines 7-17).

As to claim 24, Barritz et al., teaches a process carried out in a usage-measuring server for converting metric data generated from usage data into CSU data (See column 2, lines 4-18, lines 28-36; column 3, lines 4-9, where "CSU" is read on "central processing facility"), comprising:

using a distillation program linked to a data entry in a data structure maintained by the usage-measured server and representing a licensed resource to read usage data stored in a usage data buffer and representing usage of the resource by a particular entity and convert the usage data to metric data and storing the metric data in a metric data buffer (See column 3, lines 34-67; column 4, lines 1-8);

when new metric data is stored in a usage data buffer, following pointers in the data structure from the usage data buffer to a provisioning item data entry that contains licensing terms for the usage and following pointers from the provisioning item to data representing the resource licensed under the terms of the provisioning item and from there to a distillation program for converting usage data for the resource to metric data, and following a pointer in the distillation program to a CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27);

launching the CSU distillation program, the CSU distillation program structured to control the usage-measuring server to use formulas to convert metrics and licensing

terms into CSU units (See 24column 2, lines 19-27; column 7, lines 1-7; column 12, lines 20-26; column 13, lines 19-27);

reading appropriate licensing terms of the provisioning item located in step 2, and substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27).

Barritz et al., does not teach reading appropriate metric data from the metric data buffer used in step 1 to store the new metric data and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer.

Ginter et al. teaches a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management (See abstract), in which he teaches reading appropriate metric data from the metric data buffer used in step 1 to store the new metric data and substituting the metric data into variables of the formulas (See column 71, lines 17-25); and

calculating the formulas to derive the CSU units and storing same in a buffer (See column 71, lines 17-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Barritz et al., to include reading appropriate metric data from the metric data buffer used in step 1 to store the new metric data and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Barritz et al., by the teachings of Ginter et al. because reading appropriate metric data from the metric data buffer used in step 1 to store the new metric data and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer would ensure comprehensive overall systems and wide arrays of methods, techniques, structures and arrangements that enable secure, efficient distributed electronic commerce and rights management on the internet (and intranets), within companies large and small, in the living room, and in the home office (See Ginter et al., column 4, lines 7-17).

As to claim 25, Barritz et al., as modified, teaches wherein the usage data buffers storing usage data for various users who use one or more resources licensed under one or more provisioning items also contain constants selected for the particular customer whose usage data the buffer stores (See column 5, lines 3-21), and further comprising the steps of controlling the usage-measuring serer using the CSU distillation program to read the constants from the usage data buffer from which metrics were generated which the CSU distillation program is to convert to CSU units and substituting the constants into the appropriate positions in the formulas of the CSU distillation program before calculating the results the formulas yield (See Barritz et al., column 2, lines 19-27; also see Ginter et al., column 71, lines 17-25).

As to claim 26, Barritz et al., teaches a process carried out in a usage-measuring server for converting metric data generated from usage data into CSU data (See column 2, lines 4-18, lines 28-36; column 3, lines 4-9, where "CSU" is read on "central processing facility"), comprising:

collecting usage data of a user who is using one or more resources licensed under terms recorded in a provisioning item data entry in a data structure in the usage measuring server (See column 3, lines 34-67; column 4, lines 1-8);

storing each item of the usage data in an appropriate usage data buffer assigned to store usage data of a particular resource by a particular customer (See column 5, lines 3-21);

converting the usage data for a resource to metrics using a distillation program pointed to by pointer data in a data entry representing the resource in the data structure (See column 3, lines 34-67; column 4, lines 1-8);

determining in any way that time to execute a CSU distillation program has arrived (See column 9, lines 52-65);

following a pointer in the provisioning item data entry which stores the license terms under which the usage of a resource was authorized to an appropriate CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8);

launching the CSU distillation program and using it to control the usage measuring server to use formulas to convert the metrics generated in step 3 and licensing terms recorded in the appropriate provision item data entry into CSU units(See 24column 2, lines 19-27; column 7, lines 1-7; column 12, lines 20-26; column 13, lines 19-27);

reading any necessary constants and/or customization variables from a pointer entry in a data structure in the usage-measuring server representing the user whose usage data was collected and which points to the provisioning item data entry which records the terms of the license under which the usage was authorized and plugging the constants and/or customization into formulas of the CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27; column 5, lines 3-21);

reading appropriate licensing terms of the provisioning item of which the CSU distillation program is a part or to which the CSU distillation program is linked and under which the use was licensed, and substituting the licensing terms into the appropriate variables of the appropriate formulas of the CSU distillation program (See column 3, lines 34-67; column 4, lines 1-8, where "CSU" is read on "central computer"; column 7, lines 22-27).

Barritz et al., does not teach reading the metric data generated in step 3 and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer.

Ginter et al. teaches a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management (See abstract), in which he teaches reading the metric data generated in step 3 and substituting the metric data into variables of the formulas (See column 71, lines 17-25); and

calculating the formulas to derive the CSU units and storing same in a buffer (See column 71, lines 17-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Barritz et al., to include reading the metric data generated in step 3 and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Barritz et al., by the teachings of Ginter et al. because reading the metric data generated in step 3 and substituting the metric data into variables of the formulas; and calculating the formulas to derive the CSU units and storing same in a buffer would ensure comprehensive overall systems and wide arrays of methods, techniques, structures and arrangements that enable secure, efficient distributed electronic commerce and rights management on the internet (and intranets), within companies large and small, in the living room, and in the home office (See Ginter et al., column 4, lines 7-17).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is 730-305-8769. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Mmc
May 27, 2004

SAM RIMELL
PRIMARY EXAMINER